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Attorney for Plaintiff,
Zack Ward

11 AUG 16 PM 4:00
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

CV11-06749 PLA

ZACK WARD,

Plaintiff,

vs.

WARNER BROS. ENTERTAINMENT,
INC. AND ENESCO, LLC,

Defendants.

Case No.:

**COMPLAINT FOR VIOLATION
OF LANHAM ACT,
MISAPPROPRIATION OF
LIKENESS AND THE COMMON
LAW RIGHT TO PRIVACY**

The Plaintiff, by and through his undersigned attorneys, alleges upon knowledge as to himself and his own acts, and as to all other matters upon information and belief, and brings this Complaint against the above-named Defendants, and in support thereof alleges the following:

PRELIMINARY STATEMENT

1. This action is brought by the Plaintiff, Zack Ward (the "Plaintiff"), the actor who portrayed the character "Scut Farkus" in A CHRISTMAS STORY (Metro-
COMPLAINT FOR VIOLATION OF LANHAM ACT, MISAPPROPRIATION OF LIKENESS
AND THE COMMON LAW RIGHT TO PRIVACY

1 Goldwyn-Mayer 1983) (“A Christmas Story”). The Plaintiff seeks damages
2 against the Defendants for violation of the Lanham Act (15 U.S.C. § 1125(a)),
3 Misappropriation of Likeness (Cal. Civ. Code § 3344) and the Common Law Right
4 to Privacy related to the manufacture and sale of “Scut Farkus and His Toadies”
5 figurines (the “Scut Farkus Figurine”).
6
7

8 **JURISDICTION AND VENUE**

9
10 2. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1332
11 and 1338(a) and (b), and Section 43(a) of the Lanham Act.

12 3. This Court has supplemental jurisdiction over the state law causes of
13 action pursuant to 28 U.S.C. § 1367.

14 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because
15 the Plaintiff resides within this District.
16
17

18 **PARTIES**

19 5. The Plaintiff, Zack Ward, is an individual residing Los Angeles
20 County, California.
21

22 6. The Defendant, Warner Bros. Entertainment, Inc. (“Warner Bros.”) is
23 a California corporation with a principal place of business located at 4000 Warner
24 Boulevard, Burbank, California 91522.
25

26 7. The Defendant, Enesco, LLC (“Enesco”), is an Illinois limited
27 liability company with a principal place of business located at 225 Windsor Dr.,
28

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1 Itasca, Illinois 60143.

2
3 **FACTUAL ALLEGATIONS**

4 8. The Plaintiff is a professional actor who portrayed the character Scut
5 Farkus in A CHRISTMAS STORY (the "Movie") and has been a member of the
6 Alliance of Canadian Cinema, Television and Radio Artists ("ACTRA") since
7 childhood. ACTRA is a Canadian labor union representing performers in English-
8 language media.
9
10

11 9. On or about January 10, 1983, the Plaintiff entered into a standard
12 ACTRA agreement with Christmas Tree Films, Inc. to play the character Scut
13 Farkus in the Movie (the "ACTRA Agreement").
14

15 10. The ACTRA Agreement contained a rider which was silent as to the
16 rights to use the Plaintiff's likeness for purposes of producing consumer
17 merchandise related to the Movie.
18

19 11. However, the agreements that Christmas Tree Films entered into with
20 every other actor/actress who played a major character in the Movie contained a
21 merchandising rider that allowed Christmas Tree Films to use the actor or
22 actresses' likeness for the purpose of producing consumer merchandise.
23
24

25 12. Because of the difference in the Plaintiff's ACTRA Agreement rider,
26 the Plaintiff is the only major character who retained the rights to license his
27 likeness.
28

1 13. Since the theatrical release, the Movie has become increasingly
2 popular, and its annual televised broadcasts attract millions of viewers.
3

4 14. Based upon information and belief, Warner Bros. and Enesco entered
5 into a product license agreement whereby Enesco was permitted to manufacture
6 the "Scut Farkus Figurine."
7

8 15. Warner Bros. knew that it did not own the rights to use or license the
9 Plaintiff's likeness for purposes of producing consumer merchandise.
10

11 16. Based upon information and belief, Enesco knew that Warner Bros.
12 did not own the rights to use or license the Plaintiff's likeness for purposes of
13 producing consumer merchandise.
14

15 17. Despite the fact that Warner Bros. and Enesco knew that Warner
16 Bros. did not own the rights to license the Plaintiff's likeness for purposes of
17 producing consumer merchandise, Warner Bros. and Enesco entered into a product
18 license agreement.
19
20

21 18. Based upon information and belief, Enesco provided Warner Bros.
22 with a prototype of the Scut Farkus Figurine prior to its manufacture and sale.
23

24 19. Based upon information and belief, Warner Bros. approved the
25 prototype for manufacture and sale by Enesco.
26

27 20. The Plaintiff was not consulted about using his likeness for purposes
28 of producing the Scut Farkus Figurine and did not agree to license his likeness.

COMPLAINT FOR VIOLATION OF LANHAM ACT, MISAPPROPRIATION OF LIKENESS
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1 21. In November, 2010, the Plaintiff became aware of the existence of the
2 Scut Farkus Figurine.

3
4 22. On November 30, 2010, the Plaintiff sent Enesco a letter regarding the
5 use of his image on the Scut Farkus Figurine.

6
7 23. On December 13, 2010, Warner Bros. responded to the Plaintiff's
8 letter and denied that the Scut Farkus Figurine was based on the Plaintiff's
9 likeness.

10
11 24. Specifically, Warner Bros. stated that: If you have seen the item in
12 question, you will note that it does not bear the likeness of Mr. Ward. Although the
13 hat, sweater, jacket and boots are similar to those worn by Mr. Ward in the Picture,
14 the face of the character is not Mr. Ward's face.

15
16 25. Despite what Warner Bros. claims, the Scut Farkus Figurine is the
17 Plaintiff's likeness.

18
19 26. Therefore, the Plaintiff is entitled to monetary damages in an amount
20 to be determined at trial as well as equitable relief enjoining the Defendants from
21 manufacturing and/or selling Scut Farkus Figurine.
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CAUSES OF ACTION

COUNT I

FALSE DESIGNATION OF ORIGIN
(The Lanham Act, 15 U.S.C. § 1125(a))

27. The Plaintiff repeats and realleges each of the allegations set forth above as though they were fully set forth herein.

28. 15 U.S.C. § 1125(a) provides, in pertinent part, “[a]ny person who, on or in connection with any goods or services...uses in commerce any word, term, name, symbol, or device, or any combination thereof...which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person...or approval of his or her goods, services, or commercial activities by another person...shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.”

29. The Defendants used, and continue to use, the Plaintiff’s likeness in a false or misleading way that is likely to cause confusion, mistake and/or deceive as to the Plaintiff’s affiliation with the Scut Farkus Figurine, Warner Bros. and Enesco.

30. The Defendants used, and continue to use, the Plaintiff’s likeness without the Plaintiff’s consent and with reckless disregard for the Plaintiff’s rights.

31. The Defendants’ actions constitute a violation of 15 U.S.C. § 1125(a).

1 32. As a result of the Defendants' conduct, the Plaintiff is entitled to
2 monetary damages in an amount to be determined at trial as well as an order
3 enjoining the Defendants from manufacturing and/or selling any products using the
4 Plaintiff's likeness without the Plaintiff's consent.
5

6
7 **COUNT II**
8 **MISAPPROPRIATION OF LIKENESS**
9 **(Cal. Civ. Code § 3344)**

10 33. The Plaintiff repeats and realleges each of the allegations set forth
11 above as though they were fully set forth herein.

12 34. Cal. Civ. Code § 3344 states in pertinent part: "[a]ny person who
13 knowingly uses another's...likeness, in any manner on or in products, merchandise,
14 or goods... without such person's prior consent...shall be liable for any damages
15 sustained by the person or persons injured as a result thereof..."
16

17 35. The Defendants knowingly used, and continue to use, the Plaintiff's
18 likeness for the purpose of selling the Scut Farkus Figurine without the Plaintiff's
19 consent.
20

21 36. As a result of the Defendants' conduct, the Plaintiff is entitled to
22 monetary damages in an amount to be determined at trial as well as an order
23 enjoining the Defendants from manufacturing and/or selling any products using the
24 Plaintiff's likeness without the Plaintiff's consent.
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COUNT III
COMMON LAW RIGHT TO PUBLICITY

37. The Plaintiff repeats and realleges each of the allegations set forth above as though they were fully set forth herein.

38. The Defendants knowingly used, and continue to use, the Plaintiff's likeness for their commercial advantage.

39. The Defendants knowingly used, and continue to use, the Plaintiff's likeness without the Plaintiff's consent.

40. As a result of the Defendants' conduct, the Plaintiff is entitled to monetary damages in an amount to be determined at trial as well as an order enjoining the Defendants from manufacturing and/or selling any products using the Plaintiff's likeness without the Plaintiff's consent.

WHEREFORE, the Plaintiff respectfully requests that this Court enter judgment against the Defendants as follows:

1. Enjoin, restrain and prohibit the Defendants, their agents, servants, employees, officers, directors, successor and assigns, and all persons, firms and corporations acting in concert or participation with the Defendants or on the Defendants' behalf, from using the Plaintiff's likeness to produce, manufacture, license, sell, promote and/or ship any Scut Farkus Figurines;
2. Order the Defendants to destroy all Scut Farkus Figurines in the Defendants' possession and/or control;
3. Award the Plaintiff actual damages in an amount to be determined at trial;

COMPLAINT FOR VIOLATION OF LANHAM ACT, MISAPPROPRIATION OF LIKENESS
AND THE COMMON LAW RIGHT TO PRIVACY

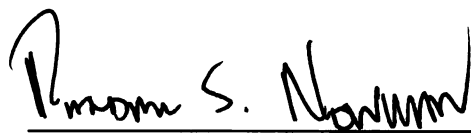
4. Award the Plaintiff the Defendants' profits which are attributable to the sale of the Scut Farkus Figurines;
5. Award the Plaintiff punitive damages pursuant to Cal. Civ. Code §§ 1709, 1710, and 3344 by reason of Defendants' deceptive acts and continued unauthorized use of the Plaintiff's likeness;
6. Award the Plaintiff costs and reasonable attorney's fees; and
7. Award the Plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff hereby demands a trial by jury.

Dated: August 16, 2011

Respectfully submitted,
RANDALL S. NEWMAN, P.C.

By: 
Randall S. Newman, Esq. (Cal. Bar No.190547)
37 Wall Street, Penthouse D
New York, New York 10005
Tel: (212) 797-3737
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*Attorney for Plaintiff,
Zack Ward*

Name & Address:

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 New York, NY 10005
 rsu@randallnewman.net

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ZACK WARD

CASE NUMBER

PLAINTIFF(S)

CV11-06749 PLA

v.

WARNER BROS. ENTERTAINMENT, INC. AND
 ENESCO, LLC

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): WARNER BROS. ENTERTAINMENT, INC. AND ENESCO, LLC

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, RANDALL S. NEWMAN, P.C., whose address is 37 WALL STREET, PH D, NEW YORK, NEW YORK 10005. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

AUG 16 2011

Clerk, U.S. District Court

Dated: _____

JULIE PRADO

By: _____

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) ZACK WARD	DEFENDANTS WARNER BROS. ENTERTAINMENT, INC. AND ENESCO, LLC
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) RANDALL S. NEWMAN, P.C. (Cal. Bar No. 190547) 37 WALL ST., PENTHOUSE D NEW YORK, NY 10005 Tel: (212) 797-3737	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:40%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify): _____
☐ 6 Multi-District Litigation
☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 LANHAM ACT, MISAPPROPRIATION OF LIKENESS

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV11-06749

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles (Warner Bros. Entertainment, Inc.)	DuPage County Illinois (Enesco, LLC)

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Thomas S. Nordin

Date

8/16/11

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))